

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY PAUL O'MEARA,

Plaintiff,

Case No. 11-10070

v.

Honorable Patrick J. Duggan

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on_October 12, 2011.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On January 6, 2011, Jeffrey Paul O'Meara ("Plaintiff") filed this suit, challenging a final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits. The case was referred to Magistrate Judge Charles E. Binder.

Plaintiff was required to file his motion for summary judgment by August 5, 2011, but failed to do so. On August 16, 2011, Magistrate Judge Binder issued an Order directing Plaintiff to file his motion by August 31, 2011, warning that inaction would result in a recommendation that the case be dismissed. To date, Plaintiff has filed no motion or brief. On September 8, 2011, Magistrate Judge Binder issued his Report and

Recommendation (“R&R”), recommending that this Court dismiss the action pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

At the conclusion of the R&R, Magistrate Judge Binder advises the parties that they may object and seek review of the R&R within fourteen days of service upon them. R&R 4. He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” *Id.* (citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Frontier Ins. Co. v. Blaty*, 454 F.3d 590, 596 (6th Cir. 2006); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005)). Neither party has filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Binder.

Accordingly,

IT IS ORDERED that Plaintiff’s action is **DISMISSED WITH PREJUDICE FOR WANT OF PROSECUTION** pursuant to Federal Rule of Civil Procedure 41(b).

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:

Matthew S. Broderick, Esq.
Susan K. DeClercq, A.U.S.A.
Magistrate Judge Charles E. Binder